

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANA ZIMMERMAN

vs.

USAA INSURANCE AGENCY, INC.

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NO. 16-0740
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JOINT REPORT OF RULE 26(F) MEETING AND PROPOSED DISCOVERY PLAN

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties conferred on April 26, 2016 and submit to Chambers the following report of their meeting for the Court's consideration:

1. Discussion of Claims, Defenses, and Relevant Issues

The above-referenced matter is a Underinsured Motorist Claim filed by Dana Zimmerman following a June 13, 2015 auto accident.

Ms. Zimmerman (17 years old at the time) was back seat passenger in a vehicle driven by Richard "Zane" Baker. The vehicle also had two (2) other passengers – both minors at the time. Mr. Baker was allegedly driving Northbound on Pebble Hill Road in Doylestown, PA at an excess of 70mph (speed limit was 35mph). A vehicle driven by Timothy O'Connor (traveling with his wife and three (3) children) pulled from a stop sign on Spring Valley Road to turn left onto South Pebble Hill Road. A collision occurred between the vehicles.

Ms. Zimmerman has filed an action in Bucks County against both Mr. Baker and Mr. O'Connor. This matter is still pending.

As this is an UIM matter, the underlying bodily injury limits and any collection by Ms. Zimmerman is directly related to this matter. It is the understanding of the parties that both

vehicles carried a policy limit of \$100K per individual/\$300K per accident. Also, under Pennsylvania statute, the host vehicle of Ms. Zimmerman would hold the first UIM coverage, unless the policy has a set-off provision. The parties are working together to determine priorities of all coverage.

2. Initial and Informal Disclosures

Plaintiff's counsel has previously completed and served disclosures. Counsel for the defendant anticipates completing disclosures within fourteen (14) days following the conference, as required by Rule 26(a).

3. Formal Discovery

The parties anticipate the ability to complete written discovery within the parameters of Federal Rules of Civil Procedure. As far as discovery that the parties anticipate, the parties believe the following will need to be completed:

- Examination of any and all circumstances (weather, location, time, distances, speeds, etc.) under which the subject automobile collision occurred;
- Conduct site inspection of the area of the accident;
- Determination of personal knowledge, observation and recollection of events of several witnesses, including but not including, all the drivers/passengers in the two (2) involved vehicles and the driver/passengers in a vehicle which witnessed the accident;
- Examination of the observations of the local police officials and investigators after their arrival to the accident scene;
- All evidence, documentation and/or photographs in the possession of local police officials and experts retained by the parties;

- Review and analysis of extent of medical treatment and damages;
- Review and analysis of extent of allegations of alleged economic loss;
- Examination of the nature of Defendant's investigation and handling of Plaintiff's UIM claim.

Counsel anticipate that the following depositions will be necessary:

- Dana Zimmerman
- Richard Baker
- Timothy O'Connor
- Lucy Gordon
- Hanna Hesson
- Mary O'Connor
- Sean O'Connor
- Kellen O'Connor
- Daniel Butynski
- Meghan Tillger
- Officer Timothy Reihl
- Chief Dean Logan
- Joseph Cerda and/or other appropriate claims representative of USAA
- Any and all experts retained and anticipated to give testimony

The parties respectfully request a close of discovery date of November 3, 2016 and discovery to consist of two (2) phases – fact discovery followed by expert discovery. As such, the parties request that the court issue an order with the following deadlines:

Exchange of Initial Disclosures		May 17, 2016
Discovery Deadline		November 3, 2016
Settlement Conference	<i>after</i>	November 3, 2016
Expert Disclosures of Plaintiff		December 5, 2016
Expert Disclosures of Defendants		January 9, 2017
Motions for Summary Judgment or other dispositive motions		February 6, 2017
Expert Depositions	<i>completed by</i>	March 3, 2017
Pre-Trial Conference	<i>held by</i>	March 20, 2017

4. Electronic Discovery

No electronic discovery is anticipated.

5. Expert Witness Disclosure

Please see the above proposed deadlines.

6. Early Settlement or Resolution

The parties have been discussing possible early resolution. The parties will meet on May 2nd to participate in settlement discussions. If the parties cannot reach resolution at this point, the parties would like to initiate formal discovery and then reconsider options such as settlement conference with the Court and/or other ADR options.

7. Trial Date

Please see the above proposed deadlines.

8. Other

None.

RESPECTFULLY SUBMITTED,

/s/ Brandon Swartz
Brandon Swartz, Esquire
Bryan Ferris, Esquire
SWARTZ CULLETON PC
547 E. Washington Avenue
Newtown, PA 18940

/s/ Carolyn M. Schweizer
Carolyn M. Schweizer, Esquire
MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN
2000 Market Street, Suite 2300
Philadelphia, PA 19103